IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revision No. 676 of 2007

Date of Decision : 19.04.2007

Ramji Dass

…. Petitioner

Versus

State of Haryana and another

…. Respondents

CORAM : HON'BLE MR. JUSTICE S.D. ANAND

Present : Ms. Urmil Gupta, Advocate,
for the petitioner.

S.D. Anand, J.

The petitioner was convicted by the learned Sub Divisional Judicial Magistrate, Dabwali for an offence under Section 138 of Negotiable Instrument Act and was directed to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs. 5000/-. In default of payment of fine, he was directed to undergo further rigorous imprisonment for a period of three months. Luck did not favour the petitioner even in appeal which was declined by the learned Additional Sessions Judge, Sirsa, vide order dated 10.03.2007. The petitioner is in revision against the impugned finding of conviction.

Ms. Urmil Gupta, learned counsel for the petitioner argues that the petitioner had never borrowed the alleged amount of Rs. 50,000/- and that a blank cheque bearing the signature of the petitioner was handed over to the complainant when the latter came to be appointed as a referee to

resolve a dispute which the petitioner had with Puran Chand Bansal. It was at that point of time that the impugned cheque was handed over by the appellant to the complainant as security. The complainant misused that cheque and filed the impugned complaint.

I do not buy the argument in the facts and circumstances of the case. It is illogical for the petitioner to argue that he allowed a signed blank cheque to be retained by the complainant for a period of more than a decade. There is no proof on the file to prove that the complainant had, at any point of time, been appointed a referee to resolve a dispute between the petitioner and Puran Chand Bansal. The self serving plea raised by the petitioner at the trial is not buttressed by any evidence to the above effect. Assuming, for the sake of arguments, that the impugned cheque indeed came to be handed over to the complainant in the year 1985-86, it would have been very natural for the petitioner to insist upon the return of the blank signed cheque on the alleged dispute having got resolved. If there was any resistance by the complainant, the petitioner could be expected to lodge a complaint with the police.

Furthermore, notice Ex.PW3/D was served upon the petitioner by the complainant before the latter launched the impugned prosecution. The petitioner did not respond to it. If there was an iota of truth in the version presently put forth by the petitioner, he would have immediately raised a hue and cry by responding to the notice afore-mentioned. The refrain on his part in responding to that notice goes a long way to lend a touch of authenticity to the presentation made by the prosecution.

For the aforementioned reasons, the present revision petition is found to be without any force. The finding of conviction recorded by both

the Courts does not suffer from any legal infirmity which could legally invite interference on the part of this Court.

Dismissed.

April 19, 2007 (S.D. Anand)
vkd Judge